Bala Subramaniam a/l Sengodan v Majlis Peguam Malaysia

HIGH COURT (KUALA LUMPUR) — ORIGINATING SUMMONS NO WA-17D-41–12 OF 2022
AMARJEET SINGH J
5 MARCH 2024

Legal Profession — Professional discipline — Restoration of name to Roll of Advocates and Solicitors ('Roll') — Plaintiff's application seeking restoration after eleven years struck off the Roll — Whether there was immediate restitution by plaintiff — Whether plaintiff was penitent and rehabilitated — Whether long lapse of time from date of disbarment should be considered — Whether references and testimonials showed rehabilitation by plaintiff

The plaintiff practiced as an advocate and solicitor under the name and in the style of Messrs SBS Maniam, Nohairi & Azizan ('the firm'). The firm was appointed by one Ahmad Sidique bin Abdul Latif ('the complainant') to act as counsel in applications to the Court of Appeal for stay of execution pending appeal. Pending the hearing of the applications, the complainant enclosed a cheque for the sum of RM250,000 payable to the firm as a stakeholder in the event the court ordered that security was to be furnished. The applications were eventually refused by the Court of Appeal and the complainant sought the return of the sum that was held by the firm. The plaintiff refused on the premise that the same were to be utilised as the firm's legal fees. Dissatisfied, the complainant lodged a complaint against the plaintiff to the Advocates and Solicitors Disciplinary Board ('the Board'). The Board then convened a Disciplinary Committee ('DC') to inquire into the complaint. The DC found the plaintiff guilty of misconduct and recommended that the plaintiff be struck off the Roll of Advocates and Solicitors of the High Court of Malaya ('the Roll'). On 9 September 2011, the Board agreed with the recommendation and ordered that the plaintiff be struck off the Roll and an order directing the plaintiff to return the sum of RM250,000 to the complainant. The plaintiff's appeal against the decision was dismissed by the High Court and so was the appeal to the Court of Appeal. Hence, this originating summons by the plaintiff eleven years later seeking restoration to the Roll under s 107(1) of the Legal Profession Act 1976.

Held, dismissing the originating summons:

(1) The plaintiff stubbornly refused to return the monies resulting in the complainant resorting to legal action to recover the same. This was not the act of someone who was truly penitent or was rehabilitated for a wrongful act established by the Board and the courts on appeal against

the decision of the Board. It was only after the plaintiff was adjudged bankrupt that the plaintiff made restitution of the monies. The frame of the plaintiff's mind of showing no regard whatsoever for the rights of the complainant was exacerbated by the scant regard for the law — a trait not consonant with someone who was an advocate and solicitor of the High Court of Malaya. The plaintiff's actions in not giving restitution but prolonging the complainant's agony was that of someone who had very little regard or did not respect the law and not someone who was fit and proper for restoration to the Roll (see paras 19–20).

(2) In his affidavit in support of restoration, there was no averment indicating the plaintiff was truly penitent and was rehabilitated except for a bare statement that he had realised of his wrongdoing and had repented. He also promised to carry out the role as that required of an advocate and solicitor if this application was allowed. The plaintiff was not at all contrite and was unrepentant of his misconduct towards the complainant. The plaintiff did not acknowledge the damage he caused to the complainant or was truly sorry for the sufferings and expense the complainant had to endure. There was no material change in the plaintiff's character during his period of disbarment to date that should warrant his restoration to the Roll. The promise the plaintiff had purported was irrelevant (see paras 21–23).

(3) While a long period of time had lapsed from the date of disbarment to the date of application for restoration it was not the only factor and could be displaced by the attitude and behaviour of the disbarred advocate and solicitor. The plaintiff had not shown remorse and sidestepped the issue with the averments focussing that he went through difficult times and was a discharged bankrupt. Thus, the plaintiff's unremorseful behaviour would eclipse the lapse of the time factor (see paras 24–26).

(4) The purported references or testimonials produced by the plaintiff were self-serving, superficial, and therefore irrelevant to the present proceedings. The contents of the testimonials did not demonstrate any change of character or rehabilitation in any meaningful manner for the purposes of restoration to the Roll. The purported references or testimonials did not show how the plaintiff was a fit and proper person to be restored to the Roll. The plaintiff had not fully apprehended the high standards that were expected of the profession he wished to re-enter (see paras 27–29).

[Bahasa Malaysia summary

Plaintif telah menjalankan amalan sebagai peguam bela dan peguam cara di bawah nama dan gaya Tetuan SBS Maniam, Nohairi & Azizan ('firma'). Firma tersebut dilantik oleh Ahmad Sidique bin Abdul Latif ('pengadu') untuk bertindak sebagai peguam dalam permohonan ke Mahkamah Rayuan bagi

penangguhan pelaksanaan sementara menunggu rayuan. Sementara menunggu pendengaran permohonan, pengadu telah menyertakan cek berjumlah RM250,000 yang dibayar kepada firma sebagai pemegang amanah sekiranya mahkamah memerintahkan agar jaminan diberikan. Permohonan tersebut akhirnya ditolak oleh Mahkamah Rayuan dan pengadu meminta pemulangan wang yang dipegang oleh firma. Plaintif menolak dengan alasan bahawa wang tersebut akan digunakan sebagai yuran guaman firma. Tidak berpuas hati, pengadu telah membuat aduan terhadap plaintif kepada Lembaga Tatatertib Peguambela dan Peguam Cara ('Lembaga'). Lembaga kemudian mengadakan mesyuarat Jawatankuasa Disiplin ('JD') untuk menyiasat aduan tersebut. JD mendapati plaintif bersalah atas salah laku dan mencadangkan agar plaintif digugurkan dari Senarai Daftar Peguambela dan Peguamcara Mahkamah Tinggi Malaya ('Senarai Daftar'). Pada 9 September 2011, Lembaga bersetuju dengan cadangan tersebut dan memerintahkan agar plaintif digugurkan dari Senarai Daftar dan satu perintah agar plaintif mengembalikan wang sebanyak RM250,000 kepada pengadu. Rayuan plaintif terhadap keputusan tersebut ditolak oleh Mahkamah Tinggi dan juga oleh Mahkamah Rayuan. Oleh itu, saman pemula ini oleh plaintif sebelas tahun kemudian bagi memohon pengembalian ke Senarai Daftar di bawah s 107(1) Akta Profesion Undang-Undang 1976.

Diputuskan, menolak saman pemula:

(1) Plaintif berdegil enggan memulangkan wang tersebut menyebabkan pengadu terpaksa mengambil tindakan undang-undang untuk mendapatkan semula wang tersebut. Ini bukanlah tindakan seseorang yang benar-benar menyesal atau telah dipulihkan dari perbuatan salah yang telah ditetapkan oleh Lembaga dan mahkamah semasa rayuan terhadap keputusan Lembaga. Hanya setelah plaintif diisytiharkan bankrap, barulah plaintif membuat pemulangan wang tersebut. Sikap plaintif yang tidak menunjukkan sebarang penghargaan terhadap hak pengadu diburukkan lagi oleh sikap tidak peduli terhadap undang-undang — satu sifat yang tidak selaras dengan seseorang yang merupakan peguam bela dan peguam cara Mahkamah Tinggi Malaya. Tindakan plaintif yang tidak membuat pemulangan tetapi memanjangkan penderitaan pengadu adalah tindakan seseorang yang sangat sedikit atau tidak menghormati undang-undang dan bukan seseorang yang sesuai untuk dikembalikan ke Senarai Daftar (lihat perenggan 19–20).

(2) Dalam afidavitnya untuk menyokong pengembalian, tiada pernyataan yang menunjukkan plaintif benar-benar menyesal dan telah dipulihkan kecuali satu kenyataan mudah bahawa dia telah menyedari kesalahannya dan telah menyesal. Dia juga berjanji untuk melaksanakan peranan yang diperlukan sebagai peguam bela dan peguam cara jika permohonan ini dibenarkan. Plaintif sama sekali tidak bersikap rendah diri dan tidak

menyesali salah lakunya terhadap pengadu. Plaintif tidak mengakui kerosakan yang disebabkannya kepada pengadu atau benar-benar menyesal atas penderitaan dan kos yang harus ditanggung oleh pengadu. Tiada perubahan ketara dalam karakter plaintif sepanjang tempoh dia dikeluarkan dari Senarai Daftar sehingga kini yang patut membolehkan pengembaliannya ke Senarai Daftar. Janji yang dibuat oleh plaintif adalah tidak relevan (lihat perenggan 21–23).

(3) Walaupun tempoh yang lama telah berlalu dari tarikh pengeluaran dari Senarai Daftar ke tarikh permohonan pengembalian, itu bukan satu-satunya faktor dan boleh dipinggirkan oleh sikap dan tingkah laku peguam bela dan peguam cara yang telah dikeluarkan. Plaintif tidak menunjukkan penyesalan dan cuba mengelakkan isu dengan pernyataan yang menekankan bahawa dia telah melalui masa yang sukar dan telah dibebaskan dari kebankrapan. Oleh itu, tingkah laku plaintif yang tidak menyesal akan mengatasi faktor tempoh masa yang telah berlalu (lihat perenggan 24–26).

(4) Rujukan atau testimoni yang dikemukakan oleh plaintif adalah untuk kepentingan sendiri, cetek, dan oleh itu tidak relevan dengan prosiding semasa. Kandungan testimoni tidak menunjukkan sebarang perubahan karakter atau pemulihan dengan cara yang bermakna untuk tujuan pengembalian ke Senarai Daftar. Rujukan atau testimoni tersebut tidak menunjukkan bagaimana plaintif adalah seorang yang layak dan sesuai untuk dikembalikan ke Senarai Daftar. Plaintif tidak sepenuhnya memahami standard tinggi yang diharapkan dari profesion yang ingin dimasukinya semula (lihat perenggan 27–29).]

Cases referred to

Kalpanath Singh s/o Ram Raj Singh v Law Society of Singapore [2009] 4 SLR 1018, HC (folld)

Majlis Peguam Malaysia v Ahmad Rushdi bin Omar [2017] 6 MLJ 70; [2017] 9 CLJ 413, CA (refd)

Majlis Peguam Malaysia v Murali Achan a/l PE Achan [2024] 2 MLJ 456; [2023] 10 CLJ, CA (refd)

Reventharen a/l Suppiah v Bar Council Malaysia [2023] MLJU 3033; [2024] 2 CLJ 234, CA (refd)

Teoh Hooi Leong v Bar Council, Malaysia [1991] 2 MLJ 190; [1991] 1 CLJ Rep 451, SC (refd)

Thavanathan a/l Balasubramaniam v Majlis Peguam Malaysia [2010] 3 MLJ 316, FC (refd)

Legislation referred to

Legal Profession Act 1976 ss 15, 103C(2), 107, 107(1), (3)

Vijay Edward (with Kumar Thangaraju) (Kumar Thangaraju & Co) for the plaintiff.

Farez Jinnah (Farez Jinnah) for the defendant.

Amarjeet Singh J:

INTRODUCTION

[1] On 9 September 2011, the Advocates and Solicitors Disciplinary Board ('the Board'), established under the Legal Profession Act 1976 ('the LPA'), ordered that the plaintiff, Bala Subramaniam a/l Sengodan be struck off from the Roll of Advocates and Solicitors of the High Court of Malaya ('the Roll'). The order also directed that the plaintiff refund the complainant the sum of RM250,000 within three months from the date of the order.

[2] The plaintiff did not accept the decision and appealed to this court. The appeal was dismissed and the plaintiffs subsequent appeal to the Court of Appeal against the dismissal was also dismissed on 26 November 2014.

[3] On 7 December 2022, the plaintiff filed the present originating summons under sub-s 107(1) of the LPA seeking an order that the Registrar of the High Court of Malaya restore his name to the Roll. On 22 August 2023, I dismissed the originating summons. My reasons are as follows.

FACTS LEADING TO BEING STRUCK OFF THE ROLLS

[4] In applications of restoration to the Roll, the Bar Council, as the statutory defendant to such applications, is required by sub-s 107(3) of the LPA to place before this court a report which must contain copies of the record of any proceedings as the result of which the name of the advocate and solicitor was struck off the Roll and a statement of any facts which have occurred since the striking out which in the opinion of the Bar Council or any member of it are relevant to be considered or to be investigated in connection with the application.

[5] The material placed before me by the Bar Council revealed that the plaintiff before his removal from the Roll, practiced as an advocate and solicitor under the name and in the style of Messrs SBS Maniam, Nohairi & Azizan ('the firm'). The firm was appointed by the one Ahmad Sidique bin Abdul Latif ('the complainant') in his capacity as the director of Teratak Kristal Sdn Bhd ('the company') to act as counsel in the company's application to the Court of

Appeal for a stay of execution pending appeal in respect of applications No B-02(IM)-2723 of 2009 and B-02(IM)-2057 of 2009 between the company and Malaysia Airports (Sepang) Sdn Bhd. In addition, the complainant also in his capacity as director of Cheri Catering Sdn Bhd instructed the plaintiff to act for Cheri Catering Sdn Bhd in the Shah Alam Sessions Court Suit No 52–206–2010 commenced by Malaysia Airports Niaga Sdn Bhd.

[6] Pending the hearing of the aforesaid applications for a stay of execution, the complainant in a letter dated 2 March 2010 enclosed a cheque for the sum of RM250,000 payable to the firm as a stakeholder for the purpose of the applications in the event the court orders that security is to be furnished by the company.

[7] The stay of execution applications were eventually refused by the Court of Appeal and the complainant by a letter dated 7 June 2010, sought the return of the sum that was held by the firm as stakeholders. The plaintiff refused to return the monies on the premise that the same were to be utilised as the firm's legal fees. Dissatisfied, the complainant lodged a complaint against the plaintiff to the Board. The Board convened a Disciplinary Committee to inquire into the complaint. The Disciplinary Committee found the plaintiff guilty of misconduct and recommended that the plaintiff be struck off the Roll. On 9 September 2011, the Board agreed with the recommendation and ordered that the plaintiff be struck off the Roll and an order directing the plaintiff to return the sum of RM250,000 to the complainant.

[8] The report of the Bar Council revealed the finding that the RM250,000 was paid into the firm's solicitor's client account as a stakeholder and that the plaintiff never issued an invoice or bill for legal services for the sum or any part thereof. The plaintiff did not give any satisfactory explanation for the refusal to return the said monies to the complainant.

[9] The Disciplinary Committee had also studied the documentary proof, including letters, filed by the plaintiff but was unable to find anything conclusive that could afford a reasonable defence for the plaintiff. Taking into consideration the gravity of the matter and that the actual and potential losses suffered by the complainant were attributable to the plaintiff, the Disciplinary Committee found the plaintiff liable for the misconduct under the relevant provisions of the LPA and recommended that the plaintiff be struck off the Roll and make full restitution of the said sum to the complainant. The Board affirmed the findings of the Disciplinary Committee and agreed with its recommendations.

[10] The plaintiff's appeal against the decision was dismissed by this court and so was the appeal to the Court of Appeal. That was 11 years ago. Hence, the instant originating summons seeking restoration to the Roll under sub-s 107(1) of the LPA.

PLAINTIFF'S CASE FOR RESTORATION TO THE ROLL

[11] The plaintiff in his application said that he made restitution of the sum due to the complainant after his disbarment and that eleven years of disbarment was sufficient punishment. He said that since his disbarment he managed to obtain good standing with society such as on 15 July 2018 being appointed Councillor with the Tanjong Malim District Council.

[12] He produced letters of testimonials from: (a) the Secretary of the Tanjong Malim District Council; (b) the Headmaster of the Sekolah Jenis Kebangsaan Tamil Slim River where he was appointed Chairman of the Parents Teachers' Association from 2019 to 2020; (c) the former State Assemblyman for Behrang, a lawyer, whom he had assisted in some legal matters during his period of disbarment; and (d) two senior lawyers who claim to have known the plaintiff for more than five years. As a result, the plaintiff submitted that there was a positive change in his character which made him a fit and proper person to be restored to the Roll.

[13] The plaintiff submitted that s 107 of the LPA envisages individuals like the plaintiff to be given a second opportunity to return to legal practice and that there was sufficient material placed before this court to exercise the discretion conferred by the section in the plaintiff's favour. In support of his case, the plaintiff cited the decision of *Teoh Hooi Leong v Bar Council, Malaysia* [1991] 2 MLJ 190; [1991] 1 CLJ Rep 451 and *Thavanathan a/l Balasubramaniam v Majlis Peguam Malaysia* [2010] 3 MLJ 316.

ANALYSIS AND DECISION

[14] Section 107 of the LPA confers a discretion on this court to order restoration if it thinks that it is 'fair and reasonable'. What amounts to 'fair and reasonable' would naturally depend on the facts and circumstances of each case. This court must weigh carefully the material placed before this court when exercising its discretion whether to allow restoration or not. This includes the report of the Bar Council required by sub-s 107(3) of the LPA. It must be pointed out that the role of the Bar Council is to provide information to assist this court in arriving at a 'fair and reasonable' decision and not to oppose the application as provided under s 15 of the LPA.

[15] It is established law that 'fair and reasonable' must be examined from the perspective of and accorded to the members of the public, the legal profession and colleagues in the profession, to the courts, and the disbarred person. The material placed before this court must show that the disbarred person has repented and is remorseful of the wrong he did. Further what is 'fair and reasonable' must be supported by cogent evidence. In doing so, this court must give a fair evaluation for a second chance to practice law as it affects the livelihood of the disbarred person (see *Teoh Hooi Leong v Bar Council, Malaysia* [1991] 2 MLJ 190; [1991] 1 CLJ Rep 451 and *Thavanathan a/l Balasubramaniam v Majlis Peguam Malaysia* [2010] 3 MLJ 316).

[16] The established factors which this court has over the years taken into consideration in the exercise of its discretion are as follows (the factors are not exhaustive):

(a) the lapse of time between striking off from the Roll and the application;

(b) the change of character — including evidence of repentance, remorse, and rehabilitation that could rise up to worthiness of restoration to the Roll;

(c) supporting testimonies from third parties (if any); and

(d) restitution to the complainant (if any),

(see the Court of Appeal decisions in *Majlis Peguam Malaysia v Murali Achan a/l PE Achan* [2024] 2 MLJ 456; [2023] 10 CLJ; and *Reventharen a/l Suppiah v Bar Council Malaysia* [2023] MLJU 3033; [2024] 2 CLJ 234).

Failure of immediate restitution

[17] In the instant matter, the plaintiff had breached the fundamental foundation of the practice of law founded upon trust. The plaintiff had intentionally breached the role of stakeholder and retained the complainant's monies held in his professional capacity amounting to RM250,000. The claim that the same were his legal fees was not only against clear contemporaneous documents but a serious breach of trust that would cause the public to lose confidence in the legal profession. The punishment for such a breach has always been a heavy one — being struck off the Roll followed with an order of restitution provided expressly by sub-s 103C(2) of the LPA. The order of restitution avoids the hassle and mental sufferings that comes with filing civil actions to recover such monies.

[18] In the instant case, the act of restitution immediately after exhausting his recourse to the court would have been a factor in favour of the plaintiff and shows the plaintiffs respect for the law. However, the plaintiff paid scant regard to the order of the court upholding the decision of the Board, especially the

order of restitution. One would have thought that the conviction one may have felt of not committing any misconduct however misguided it may have been to withhold the stakeholder monies as legal fees but once such legal recourse was exhausted it would be an act of penitent and rehabilitation to immediately return the stakeholder monies wrongfully withheld from the complainant.

[19] The evidence shows that the plaintiff stubbornly refused to return the monies resulting in the complainant resorting to legal action to recover the same. In my mind, this is not the act of someone who is truly penitent or is rehabilitated for a wrongful act established by the Board and the courts on appeal against the decision of the Board. Even after, the final judgment was obtained from the courts in the civil suit, the plaintiff refused to return the monies causing the complainant further grief and expense in instituting bankruptcy proceedings. It was only after the plaintiff was adjudged bankrupt that the plaintiff made restitution of the monies. That was an act of self-preservation and most unbecoming of an advocate and solicitor rather than penitent or rehabilitation.

[20] In my view, the frame of the plaintiff's mind of showing no regard whatsoever for the rights of the complainant was exacerbated by the scant regard for the law — a trait not consonant with someone who is an advocate and solicitor of the High Court of Malaya. The High Court and the public demand high standards of a person who seeks admission as an advocate and solicitor of the High Court of Malaya what more a person who is disbarred and seeks restoration to the Roll. The burden is even heavier than an admission to the Roll petition. In my view, the plaintiff's actions in not giving restitution but prolonging the complainant's agony is that of someone who has very little regard or does not respect the law and not someone who is fit and proper for restoration to the Roll.

Penitent and rehabilitation

[21] In his affidavit in support of restoration, there is no averment indicating the plaintiff is truly penitent and is rehabilitated except for a bare statement that he has realised of his wrongdoing and has repented. He also promised to carry out the role as that required of an advocate and solicitor if this application is allowed. I am of the view that this is not sufficient.

[22] I agree with the Bar Council's concern that the plaintiff is not at all contrite and is unrepentant of his misconduct towards the complainant. In fact, the plaintiff does not acknowledge the damage he caused to the complainant, or is truly sorry for the sufferings and expense the complainant had to endure. The plaintiff was instead only concerned with the damage the misconduct had caused in the affairs of his own life. These concerns

demonstrate that there is no material change in the plaintiff's character during his period of disbarment to date that should warrant his restoration to the Roll.

[23] The act of penitence or repentance is the showing that one is sorry for his conduct in the past and it does not equate to giving an undertaking which is a promise to do something in the future. Repentance is paramount in a restoration application and it is for the plaintiff to show that during the interim period of disbarment to the restoration application the plaintiff has taken measures to make restitution to the person he has done wrong and rehabilitated himself during such period. The promise, the plaintiff had purported in his affidavit in support in respect of his future conduct upon being restored to the Roll is irrelevant. Instead, the manner in which the plaintiff has acted in respect of the restitution (as shown above) shows someone who is not a fit and proper person to be restored to the Roll.

A long lapse of time

[24] While I accept, that a long period of time has lapsed from the date of disbarment to the date of application for restoration it is not the only factor and can be displaced by the attitude and behaviour of the disbarred advocate and solicitor. This court is required to look at the totality of the circumstances and exercise its discretion with strict scrutiny to ensure the plaintiff is truly penitent and rehabilitated. That is not the case in the present instance as shown in the manner the monies were returned to the complainant. It was not an act of a person who was truly penitent and rehabilitated. The latter factor, rehabilitation, is a crucial factor in a restoration application. A person who is not rehabilitated would continue to pose a threat to society and will cast a pall of doubt over the integrity and reputation of the legal profession. That the public dimension as opposed to the individual dimension, is the predominant concern in any restoration application should be readily apparent as held in the persuasive decision of the Singapore High Court in the case of *Kalpanath Singh s/o Ram Raj Singh v Law Society of Singapore* [2009] 4 SLR 1018.

[25] In the present application, the plaintiff has not shown remorse and sidestepped the issue with the averments focussing that he went through difficult times and is a discharged bankrupt. It must be noted that the plaintiff was made bankrupt for the failure to make restitution to the complainant. The complainant had to file a civil suit for a court order for the said amount, which the plaintiff ignored, resulting in the plaintiff having to resort to bankruptcy proceedings. The action and bankruptcy proceedings were contested by the plaintiff at all levels including filing appeals.

[26] Thus, in such circumstances, the plaintiff's unremorseful behaviour would eclipse the lapse of the time factor. In my view, the public dimension must take precedence in the face of such reprehensible behaviour.

References and testimonials

[27] I agree with the Bar Council's concern that the purported references or testimonials produced by the plaintiff are self-serving, superficial, and therefore irrelevant to the present proceedings. The contents of the testimonials do not demonstrate any change of character or rehabilitation in any meaningful manner for the purposes of restoration to the Roll. The testimonials mimic the tone and tenor of the simple certificate of diligence formats deliberated in the Court of Appeal in *Majlis Peguam Malaysia v Ahmad Rushdi bin Omar* [2017] 6 MLJ 70; [2017] 9 CLJ 413.

[28] The plaintiff is certainly unrepented in his behaviour towards the complainant after his disbarment and is only concerned about the damage the disbarment caused to his own life. The purported references or testimonials do not show how the plaintiff is a fit and proper person to be restored to the Roll. The plaintiff must show that he has learnt his lesson and will not repeat the same. This did not appear from the references and testimonials.

[29] Even in the present application, as evidenced by the affidavits filed by the plaintiff, the plaintiff was attempting to downplay his behaviour by blaming the complainant and trivialising the misconduct by proffering exculpatory reasons. I am not hesitant in my view that the plaintiff has not fully apprehended the high standards that are expected of the profession that he wishes to re-enter. I find support in the following passage in *Kalpanath Singh s/o Ram Raj Singh v Law Society of Singapore* [2009] 4 SLR 1018:

> There is therefore a serious responsibility on the court — a duty to itself, to the rest of the profession, to its suitors, and to the whole of the community to be careful not to accredit any person as worthy of public confidence who cannot satisfactorily establish his right to that credential. It is not a question of what he has suffered in the past, it is a question of his worthiness and reliability for the future.
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> Though the factual matrix of each case will be different and unique, the overriding concern in every application has always been and will remain the same, viz, the question of public interest and its confidence in the legal profession.

[30] Since the references and testimonials are laudatory and self-serving without showing how the plaintiff has rehabilitated himself or has learned his lesson I place very little or no weight on them.

CONCLUSION

[31] For the above reasons, I do not think that it is fair and reasonable to order that the plaintiff be restored to the Roll. The originating summons is dismissed.

Originating summons dismissed.

Reported by Nabilah Syahida Abdullah Salleh